RIVAS ET AL. *v.* COZENS, DIRECTOR, DEPARTMENT OF MOTOR VEHICLES OF CALIFORNIA, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. 71-5780. Decided November 13, 1972

Vacated and remanded. See: 327 F. Supp. 867.

PER CURIAM.

The appellants' supplemental brief filed October 14, 1972, recites:

> "The California Supreme Court's decision in *Rios* [*v. Cozens*, 7 Cal. 3d 792, 499 P. 2d 979 (1972),] has been given full prospective and retroactive effect. Cal. Sup. Ct. Order Denying Stay Pending Appeal, filed August 30, 1972. Accordingly, the individual petitioners herein, Celestino V. Rivas and Zeferino Samaniego, have now been accorded the opportunity for a personal evidentiary hearing regarding the suspension of their driver's licenses."

Accordingly the motion for leave to proceed *in forma pauperis* is granted, the judgment is vacated, and the case is remanded to the United States District Court for the Northern District of California to determine whether this case has become moot.